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(Original Signature of Member)

110TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To provide for greater diversity within, and to improve policy direction and oversight of, the Senior Executive Service.

\_\_\_\_\_  
IN THE HOUSE OF REPRESENTATIVES

Mr. DAVIS of Illinois introduced the following bill; which was referred to the Committee on \_\_\_\_\_  
\_\_\_\_\_

**A BILL**

To provide for greater diversity within, and to improve policy direction and oversight of, the Senior Executive Service.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SENIOR EXECUTIVE SERVICE RESOURCE OF-**  
4               **FICE.**

5       (a) DEFINITIONS.—For purposes of this section—

6               (1) the term “Director” means the Director of  
7       the Office of Personnel Management;

1           (2) the term “SES Resource Office” means the  
2       Senior Executive Service Resource Office, estab-  
3       lished under subsection (b);

4           (3) the term “Senior Executive Service” has the  
5       meaning given such term by section 2101a of title  
6       5, United States Code;

7           (4) the terms “career reserved position” and  
8       “career appointee” have the meanings given them by  
9       section 3132 of title 5, United States Code; and

10          (5) the term “agency” means an Executive  
11       agency, as defined by section 105 of title 5, United  
12       States Code.

13       (b) ESTABLISHMENT.—Not later than January 1,  
14   2009, the Director shall establish within the Office of Per-  
15   sonnel Management an office to be known as the Senior  
16   Executive Service Resource Office. The mission of the  
17   SES Resource Office shall be—

18           (1) to improve the efficiency, effectiveness, and  
19       productivity of the Senior Executive Service and  
20       equivalent positions through policy formulation and  
21       oversight;

22           (2) to advance the professionalism of the Senior  
23       Executive Service; and

24           (3) to ensure that the Senior Executive Service  
25       is reflective of the Nation’s diversity.

1       (c) FUNCTIONS.—It shall be the function of the SES  
2 Resource Office to prescribe regulations and provide guid-  
3 ance to agencies concerning the structure, management,  
4 and diverse composition of the Senior Executive Service.  
5 In order to carry out the purposes of this section, the SES  
6 Resource Office shall—

7           (1) take such actions as the SES Resource Of-  
8 fice considers necessary to manage and promote an  
9 efficient, elite, and diverse corps of senior executives  
10 by—

11               (A) creating policies for the management  
12 and improvement of the Senior Executive Serv-  
13 ice;

14               (B) providing oversight of the perform-  
15 ance, structure, and composition of the Senior  
16 Executive Service; and

17               (C) providing guidance and oversight to  
18 agencies in the management of senior execu-  
19 tives, their equivalents, and candidates for the  
20 Senior Executive Service;

21           (2) be responsible for the policy development,  
22 management, and oversight of the Senior Executive  
23 Service pay system;

24           (3) develop standards for certification of each  
25 agency's Senior Executive Service performance man-

1       agement system and evaluate all agency applications  
2       for certification;

3           (4) be responsible for developing and moni-  
4       toring programs for the advancement and training of  
5       senior executives, including the Senior Executive  
6       Service Federal Candidate Development Program;

7           (5) provide oversight of and guidance to agency  
8       executive resources boards;

9           (6) be responsible for the administration of the  
10      qualifications review board;

11          (7) establish and maintain lists (in a form that  
12      renders them useful to appointing authorities and  
13      candidates) of—

14           (A) the total number of career reserved po-  
15      sitions at each agency;

16           (B) the total number of vacant career re-  
17      served positions at each agency;

18           (C) whether candidates are being sought  
19      for each such vacant position; and

20           (D) the names and (to the extent avail-  
21      able) the race, ethnicity, gender, and any dis-  
22      abilities of individuals who have been certified,  
23      in accordance with section 3393(d) of title 5,  
24      United States Code (as so redesignated by sec-  
25      tion 2(a)), as having the executive qualifications

1 necessary for initial appointment as a career  
2 appointee;

3 (8) establish mentoring programs for individ-  
4 uals described in paragraph (7)(D);

5 (9) collect and maintain statistics relating to  
6 the composition of the Senior Executive Service  
7 based on race, ethnicity, gender, age, and persons  
8 with disabilities;

9 (10) publish annually in the Federal Register  
10 statistics relating to—

11 (A) the data collected by the SES Re-  
12 source Office under paragraph (7); and

13 (B) the composition of the Senior Execu-  
14 tive Service based on the factors listed in para-  
15 graph (7)(D); and

16 (11) conduct a continuing program for the re-  
17 cruitment of women, members of racial and ethnic  
18 minority groups, and the disabled for Senior Execu-  
19 tive Service positions, with special efforts directed at  
20 recruiting from educational institutions, professional  
21 associations, and other sources.

22 (d) PUBLIC ACCESS TO STATISTICS.—The SES Re-  
23 source Office shall make the statistics under subsection  
24 (c)(10) accessible to the public through an Internet  
25 website.

1 **SEC. 2. CAREER APPOINTMENTS.**

2 (a) ESTABLISHMENT AND ROLE OF SES EVALUA-  
3 TION PANELS.—Section 3393 of title 5, United States  
4 Code, is amended—

5 (1) by redesignating subsections (b) through (g)  
6 as subsections (c) through (h), respectively; and

7 (2) by inserting after subsection (a) the fol-  
8 lowing:

9 “(b)(1)(A) Each agency shall establish one or more  
10 Senior Executive Service evaluation panels, as appro-  
11 priate, the members of which shall be appointed by the  
12 head of the agency—

13 “(i) from among employees of the agency  
14 or commissioned officers of the uniformed serv-  
15 ices serving on active duty in such agency; or

16 “(ii) from among employees of or commis-  
17 sioned officers of the uniformed services serving  
18 on active duty in another agency, if—

19 “(I) subparagraph (B) could not (but  
20 for this clause) otherwise be satisfied; and

21 “(II) the consent of the head of the  
22 other agency is obtained.

23 “(B) Each panel shall consist of 3 members, of whom  
24 at least 1 shall be a woman and 1 other shall be a member  
25 of a racial or ethnic minority group.

1       “(2) It shall be the function of a Senior Executive  
2 Service evaluation panel, with respect to any Senior Exec-  
3 utive Service position for which a vacancy announcement  
4 is posted—

5           “(A) to review the executive qualifications of  
6 each candidate for a position which is to be filled by  
7 a career appointee; and

8           “(B) to certify to the appropriate executive re-  
9 sources board the names of the 3 candidates who, in  
10 the judgment of the panel, are best qualified for  
11 such position.

12 Nothing in subparagraph (A) shall be considered to apply  
13 in the case of any candidate who is already a career ap-  
14 pointee.”.

15       (b) ROLE OF EXECUTIVE RESOURCES BOARDS.—  
16 Paragraph (1) of section 3393(c) of title 5, United States  
17 Code (as so redesignated by subsection (a)), is amended  
18 to read as follows:

19           “(1) for each career reserved position for which  
20 a vacancy is posted, review the executive qualifica-  
21 tions of the 3 candidates certified under subsection  
22 (b) with respect to such position; and”.

23       (c) DEFINITION OF APPOINTING AUTHORITY.—Sec-  
24 tion 3393 of title 5, United States Code, is amended by

1 adding after subsection (h) (as so redesignated by sub-  
2 section (a)) the following:

3 “(i) For purposes of this section, the term ‘appoint-  
4 ing authority’ means, with respect to a position within an  
5 agency, the head of such agency.”.

6 (d) TECHNICAL AND CONFORMING AMENDMENTS.—

7 (1) Section 3592(a)(1) of title 5, United States  
8 Code, is amended by striking “3393(d)” and insert-  
9 ing “3393(e)”.

10 (2) Section 3593 of such title is amended—

11 (A) in subsection (a)—

12 (i) in the matter before paragraph  
13 (1), by striking “3393(b) and (c)” and in-  
14 serting “3393(c) and (d)”; and

15 (ii) in paragraph (1), by striking  
16 “3393(d)” and inserting “3393(e)”; and

17 (B) in subsection (c)(1)—

18 (i) in the matter before subparagraph  
19 (A), by striking “3393(b) and (c)” and in-  
20 serting “3393(c) and (d)”; and

21 (ii) in subparagraph (C), by striking  
22 “3393(d)” and inserting “3393(e)”.

23 (3) Section 3594 of such title is amended in  
24 subsections (a) and (b) by striking “3393(d)” and  
25 inserting “3393(e)”.



- 1           (4) Section 3595(b)(1) of such title is amended
- 2           by striking “3393(d)” and inserting “3393(e)”.
- 3           (5) Section 7541(1)(A) of such title is amended
- 4           by striking “3393(d)” and inserting “3393(e)”.